



INTERIOR BOARD OF INDIAN APPEALS

Estate of Joseph Poolaw

18 IBIA 410 (09/04/1990)

Denying reconsideration of:
18 IBIA 358



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF JOSEPH POOLAW

: Order Denying Petition for
: Reconsideration
:
: Docket No. IBIA 90-4
:
: September 4, 1990

The Board's decision in this estate was issued on July 9, 1990. 18 IBIA 358. On August 20, 1990, the Board received a petition for reconsideration from appellants. The petition was postmarked August 16, 1990.

Reconsideration by the Board is governed by 43 CFR 4.315, which provides in relevant part:

(a) Reconsideration of a decision by the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from the date of the decision and shall contain a detailed statement of the reasons why reconsideration should be granted.

Appellants' petition for reconsideration is untimely and must therefore be denied on that basis.

Even if the petition had been timely, however, it would have to be denied. Appellants simply rephrase the arguments they made earlier. The Board considered those arguments prior to issuing its decision. Appellants also express a belief that the Board did not consider all the evidence in the record. This belief is apparently based upon the fact that the Board did not discuss each item in its decision. The Board thoroughly reviewed the record and considered all evidence therein prior to issuing its decision, even though it did not explicitly refer to each piece of evidence in the decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellants' petition for reconsideration is denied.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge